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IN THE

Supreme Court of The United States

OCTOBER TERM, 1970

No. 248

INDIANA REVENUE BOARD, ET AL.
Petitioners,

vs.

STATE OF INDIANA, on the relation of the City of Indianapolis, as successor in interest to the Mass Transporation Authority of Greater Indianapolis, a municipal corporation, and RICHARD M. GIVAN and JOHN F. NEFF,
Respondents.

MOTION TO DEFER CONSIDERATION AND TO CONSOLIDATE

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No. 248

INDIANA REVENUE BOARD,
EDGAR D. WHITCOMB, Governor of the State of Indiana and as a Member of the Indiana Revenue Board,
JOHN K. SNYDER, Treasurer of the State of Indiana and as a Member of the Indiana Revenue Board,
TRUDY SLABY ETHERTON, Auditor of the State of Indiana and as a Member of the Indiana Revenue Board,
INDIANA DEPARTMENT OF STATE REVENUE,
JAMES O. MATHIS, as Commissioner of the Indiana Department of State Revenue,
THE STATE BOARD OF TAX COMMISSIONERS,
JOSEPH D. GEESLIN, JR., CARLEON L. PHILLIPPI, and DURWOOD STRANG, as Members of the State Board of Tax Commissioners of Indiana,
G. THOMAS BLANKENSHIP, acting as Inheritance Tax Administrator,

Petitioners,

vs.

STATE OF INDIANA, on the relation of the City of Indianapolis, as successor in interest to the Mass Transportation Authority of Greater Indianapolis, a municipal corporation, and RICHARD M. GIVAN and JOHN F. NEFF,

Respondents.

MOTION TO DEFER CONSIDERATION AND TO CONSOLIDATE

Petitioners, INDIANA REVENUE BOARD, EDGAR D. WHITCOMB, Governor of the State of Indiana and as

a Member of the Indiana Revenue Board, JOHN K. SNYDER, Treasurer of the State of Indiana and as a Member of the Indiana Revenue Board, TRUDY SLABY ETHERTON, as Auditor of the State of Indiana and as a Member of the Indiana Revenue Board, INDIANA DEPARTMENT OF STATE REVENUE, JAMES O. MATHIS, as Commissioner of the Indiana Department of State Revenue, THE STATE BOARD OF TAX COMMISSIONERS, JOSEPH D. GEESLIN, JR., CARLETON L. PHILLIPPI, and DURWOOD STRANG, as Members of the State Board of Tax Commissioners of Indiana, G. THOMAS BLANKENSHIP, acting as Inheritance Tax Administrator, move that consideration of this cause be deferred until the Petition for a Writ of Certiorari filed on August 28, 1970 and assigned No. 610 is briefed, and that this cause be considered with said No. 610 for the following reasons:

1. The petition in this case, which was filed on June 11, 1970, covers the proceedings below up to the final order of mandate on December 16, 1969, directing the immediate transfer of money;

2. On August 28, 1970, Petitioners filed their second Petition for a Writ of Certiorari which was assigned No. 610, covering the same proceedings below from the mandate order of December 16, 1969, through the contempt proceedings, commitment of the State Auditor and final compliance with the court's mandate, under protest. The later petition may be of help to this court in determining whether certiorari should be granted in this case.

3. Both petitions ask for Writs to the Appellate Court of Indiana, sitting as a trial court. The parties and issues are substantially the same.

For the reasons set out above, it is respectfully submitted that the motion to defer consideration and to consolidate this case with No. 610 should be granted.

Respectfully submitted,

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